

ILDEFONSO MADRID FLORES,)
)
Petitioner,)
)
vs.)
)
UNITED STATES OF AMERICA,)
)
Respondent.)
_____)

THIS MATTER is before the Court on its own motion following the Government's Response to Petitioner's motion to vacate, set aside or correct sentence brought under 28 U.S.C. § 2255. The Court finds that an evidentiary hearing shall be held on Petitioner's first theory of ineffective assistance of counsel, related to the advice Petitioner received from counsel about a plea offer. Specifically, the scope of the evidentiary hearing shall be limited to (1) whether Petitioner's counsel advised him not to accept a plea offer made during trial; (2) whether Petitioner's counsel stated that she was certain that the charges against Petitioner would be dismissed; and (3) whether Petitioner elected not to accept the plea offer.

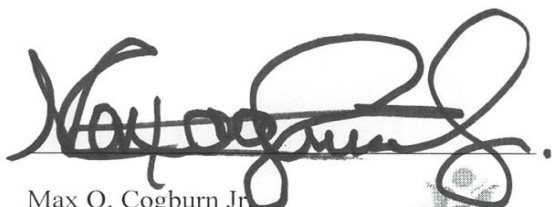
1. The Bureau of Prisons and the U.S. Marshal Service are hereby ORDERED to transport and produce the body of Ildefonso Madrid Flores, (#26826-058), for an Evidentiary Hearing on July 27, 2016, at 9:30 a.m., before the Honorable Max O. Cogburn, Jr., in the Western District of North Carolina, Charlotte Courthouse, 401 W. Trade St., Charlotte, North Carolina, with the specific courtroom number to be

determined at a later date. Upon completion of the Evidentiary Hearing, Petitioner is to be returned to the custody of the Bureau of Prisons.

2. The Clerk is directed to certify copies of this Order to the United States Attorney, Petitioner's Counsel, the U.S. Marshal Service, and the U.S. Probation Office.
3. The Federal Defender of Western North Carolina is hereby appointed to represent Petitioner at the evidentiary hearing. The Federal Defender shall, no less than thirty days before the hearing, meet with Petitioner to discuss whether holding an evidentiary hearing on Petitioner's claim of ineffective assistance of counsel is in Petitioner's best interest.

IT IS SO ORDERED.

Signed: June 8, 2016



Max O. Cogburn Jr.
United States District Judge